



STATE OF WASHINGTON

PUBLIC DISCLOSURE COMMISSION

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BEFORE THE PUBLIC DISCLOSURE COMMISSION
OF THE STATE OF WASHINGTON

IN THE MATTER OF ENFORCEMENT)	PDC CASE NO: 06-249
ACTION AGAINST)	
)	Notice of Administrative
Jim Wilson, Fire Chief (Retired))	Charges
King County Fire District 13)	
AKA Vashon Island Fire and Rescue)	
)	
Respondent.)	
)	

IT IS ALLEGED as follows:

I. JURISDICTION

1. Jurisdiction of this proceeding is based on Chapter 42.17 RCW, the Public Disclosure Act, Chapter 34.05, Administrative Procedure Act, and Title 390 WAC. These charges incorporate the Report of Investigation and all of its exhibits by reference.

II. ALLEGATIONS

2. Staff alleges, based on the facts specified in Section III, that Jim Wilson, as Fire Chief for Vashon Island Fire and Rescue (VIFR), violated RCW 42.17.130 on multiple occasions as follows:
 - By authorizing the production and approving the content of the September 2005 edition of the *Fireline News*, a VIFR newsletter that featured SharonLee Nicholson, an incumbent Fire Commissioner who was a candidate for re-election in the November 8, 2005 general election. The September *Fireline News* was produced and distributed at a cost of \$2,214.38. The Respondent authorized sending the newsletter to 6,156 routes and box holders.



- By authorizing the production and approving the content of an October 2005 edition of the *Fireline News* that was devoted entirely to supporting the actions of the current board of fire commissioners, which included incumbent commissioners SharonLee Nicholson and Scott Rice. The October *Fireline News* was produced and distributed at a cost of \$2,403.87. The Respondent authorized sending the October newsletter to 6,156 routes and box holders. The combined cost of the September and October 2005 newsletters was \$4,618.25. In addition, the estimated cost of Chief Wilson's time spent on the two newsletters was \$768, making the total cost for the September and October newsletters \$5,386.25.

III. FACTS

3. Jim Wilson was the Fire Chief of Vashon Island Fire and Rescue during 2005. He was Fire Chief from 2000 until his resignation in April 2006.
4. SharonLee Nicholson was appointed to the position of Fire Commissioner in January 2003. In 2005, Ms. Nicholson was Chair of the Commission. She was a candidate for re-election in 2005, and had two opponents in the September 20, 2005 primary election, Gayle Sommers and Carolyn Smith. Ms. Nicholson and Ms. Sommers advanced to the general election, and Ms. Sommers defeated Ms. Nicholson in the November 8, 2005 general election.
5. Scott Rice was an incumbent fire commissioner, appointed in January 2005. He was opposed by David Hoffman who defeated him in the November 8, 2005 general election.
6. Nicholson and Rice were supported by the International Association of Firefighters Local 4189. Gayle Sommers and David Hoffman were endorsed by Islanders for Representative Leadership, a coalition of Islanders opposed to the current direction of the fire district.

September 2005 Edition of Fireline News

7. The *Fireline News* is a publication of VIFR. Chief Wilson is responsible for its content, publication and distribution. The *Fireline News* was published once in 2002, once in 2003 and once in 2004. In November or December 2004, Chief Wilson decided to publish more frequent editions of the newsletter. In 2005, the *Fireline News* was published four times. Following community-based meetings during the spring and summer of 2005, Chief Wilson decided to feature Commissioners in upcoming newsletters.
8. The September 2005 issue featured a front page article and picture of Ms. Nicholson. At the time the newsletter was published, Ms. Nicholson was a candidate for re-election. With the assistance of Lea Gaskell, Chief Wilson's daughter and volunteer Public Information Officer for VIFR, Ms. Nicholson wrote the article that appeared in the September 2005 issue of the *Fireline News*.
9. The article featured biographical information about Ms. Nicholson and highlighted her community involvement, education and personal accomplishments. The article listed her goals when she first became a Fire Commissioner, and stated that since becoming a Commissioner, the board had been successful in achieving its goals. The article concluded by saying, "I am proud to be a member of the VIFR team. In the past, the team has met and overcome obstacles to achieve community goals. We are prepared to meet the challenges of the future."
10. The September 2005 *Fireline News* was received from the printer on September 12, 2005. Chief Wilson planned to mail the newsletter on September 15 so that it would arrive before the September 20 primary election date. However, Commissioner Jan Nielson questioned the timing of the distribution, and Chief Wilson decided to mail it one day after the primary election. The September 2005 *Fireline News* was mailed to all routes and box holders (6,156), at a cost for printing and postage of \$2,214.38.

11. Al Riddle is a former fire commissioner who served VIFR from 1995 through 2004. Mr. Riddle stated that while serving as a commissioner, Chief Wilson asked him and the two other commissioners if they thought he should feature the incumbent commissioner, who was up for re-election, in the *Fireline News*. Mr. Riddle said all three commissioners unanimously told Chief Wilson not to do it, and it did not happen.

October 2005 Edition of Fireline News

12. On October 4, 2005, Chief Wilson produced and mailed an edition of the *Fireline News* that was devoted entirely to election questions being debated by candidates running for fire commissioner. The newsletter supported the actions of the current commissioners, which included Ms. Nicholson and Mr. Rice. The commissioner actions supported by the newsletter were being opposed by Gayle Sommers and David Hoffman, opponents of Ms. Nicholson and Mr. Rice. The newsletter was mailed one month before the general election. Chief Wilson sent the newsletter to all routes and box holders (6,156) in the fire district at a cost for production and postage of \$2,403.87. The cost for the September and October newsletters was \$4,618.25. In addition, the estimated cost of Chief Wilson's time spent on the two newsletters was \$768, making the total cost for the September and October newsletters \$5,386.25.
13. The headline of the October *Fireline News* was "Fire FAQs – Separating Fact from Fiction." The newsletter was a compilation of three letters written by Chief Wilson for the Beachcomber Newspaper. The October newsletter was written by Chief Wilson to defend the positions of the current board members, which included incumbent commissioners Nicholson and Rice.

Recruiting and Use of Volunteer Firefighters

14. During the campaign, challengers Sommers and Hoffman claimed the fire district had created a negative environment for recruiting and using volunteer firefighters. In the October *Fireline News*, Chief Wilson defended the fire district officials, which included

incumbent commissioners Nicholson and Rice, stating that VIFR actively recruits new volunteers and is dependent on its volunteers.

Seeking Grant Funding

15. During the campaign, challengers Sommers and Hoffman criticized the current board of commissioners for applying for unneeded grants, and for seeking grants without first seeking public input. In the October *Fireline News*, Chief Wilson defended the current board, including commissioners Nicholson and Rice, by saying that seeking grants was the responsible thing to do, and noting that if the district has a need and there is a grant available to fill that need, the responsible thing to do is to apply for the grant and improve customer service at little or no cost to taxpayers.

Assistant Fire Chiefs

16. During the campaign, challengers Sommers and Hoffman criticized the current board of commissioners by asking why the fire district had three assistant chiefs. In the October *Fireline News*, Chief Wilson defended the current board, which included incumbent commissioners Nicholson and Rice, by stating that VIFR employs only one career assistant chief, and has one career training/safety officer and one volunteer chief.

Island Ambulance Service

17. During the campaign, challengers Sommers and Hoffman criticized the current board of commissioners by aggressively speaking against the district's use of its ambulance service to transport Basic Life Support patients to off-island hospitals rather than using the private ambulance service, Island Emergency Care. The challengers accused the current board of trying to run Island Emergency Care out of business. In the October newsletter, Chief Wilson defended the current board, which included incumbent commissioners Nicholson and Rice, by disagreeing that the district was trying to force Island Emergency Care out of business.

Capital Improvements

18. During the campaign, challengers Sommers and Hoffman criticized the current board of commissioners for re-sighting the Burton fire station, and for merging two other stations into one station. Part of the criticism was that the fire district had made its decision with little public input, and had relied on a study that included erroneous seismic information. In the October *Fireline News*, Chief Wilson defended the current board, which included incumbent commissioners Nicholson and Rice, by stating that it was a complex question, but the simple answer was that the building being replaced had been judged seismically unsound for withstanding a sizable earthquake.

IV. RELEVANT LAW

RCW 42.17.130 states in part: No elective official nor any employee of his office nor any person appointed to or employed by any public office or agency may use or authorize the use of any of the facilities of a public office or agency, directly or indirectly, for the purpose of assisting a campaign for election of any person to any office or for the promotion of or opposition to any ballot proposition. Facilities of public office or agency include, but are not limited to, use of stationery, postage, machines, and equipment, use of employees of the office or agency during working hours, vehicles, office space, publications of the office or agency and clientele lists of persons served by the office or agency: PROVIDED, That the foregoing provisions of this section shall not apply to the following activities:

- (3) Activities which are part of the normal and regular conduct of the office or agency.

WAC 390-05-273 states: Normal and regular conduct of a public office or agency, as that term is used in the proviso to RCW 42.17.130, means conduct which is (1) lawful, i.e., specifically authorized, either expressly or by necessary implication, in an appropriate enactment, and (2) usual, i.e., not effected or authorized in or by some extraordinary means or manner. No local office or agency may authorize a use of public facilities for the purpose of assisting a candidate's

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campaign or promoting or opposing a ballot proposition, in the absence of a constitutional, charter, or statutory provision separately authorizing such use.

RESPECTFULLY SUBMITTED this 14th day of June, 2006.


Philip E. Stutzman
Director of Compliance